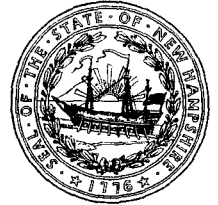




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

March 1, 2005

Ms. Santina Thibedeau  
The Brentwood School  
1 Brentwood Drive  
Merrimack, New Hampshire 03054-3668

**CERTIFIED MAIL (7099 3400 0018 1290 2544)**  
**RETURN RECEIPT REQUESTED**  
**LETTER OF DEFICIENCY**  
**No. ARD 2005-003**

**RE: The Brentwood School**

Dear Ms. Thibedeau:

On October 21, 2004, personnel from the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), conducted an inspection for compliance with the Asbestos Hazard Emergency Response Act of 1986 ("AHERA"), 15 USC Section 2641 *et seq.*, and the regulations promulgated pursuant to AHERA, 40 Code of Federal Regulations ("CFR") Part 763 Subpart E – *Asbestos Containing Materials in Schools*, at the Brentwood School, Merrimack, NH (the "School").

During the inspection on October 21, 2004, DES personnel met with School officials and discussed the objectives of the inspection. DES personnel provided School officials with copies of the United States Environmental Protection Agency ("EPA") form 7740-1 *Receipt for Samples and Documents* and EPA form 7740-3 *Notice of Inspection*. During the inspection, DES personnel reviewed facility records and documentation and provided information about AHERA.

As a result of the inspection and information gathered, this Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. The School failed to perform required activities in accordance with AHERA, as required by 40 C.F.R. § 763.84(a).
2. The School failed to inform short-term workers regarding the presence and location of asbestos-containing building material ("ACBM"), as required by 40 C.F.R. § 763.84(d).
3. The School failed to appoint a "designated person", as required by 40 C.F.R. § 763.84(g)(1).
4. The School failed to conduct a re-inspection every 3 years after a management plan was in effect, as required by 40 C.F.R. § 763.85(b)(1).
5. The School failed to implement an Operations, Maintenance and Repair program, as required by 40 C.F.R. § 763.91(a).
6. The maintenance and custodial staff of the School failed to receive at least 2 hours awareness training, as required by 40 C.F.R. § 763.92(a)(1).
7. The School failed to conduct periodic surveillance in each building that it leases or owns that contains ACBM (or assumed) every 6 months, as required by 40 C.F.R. § 763.92(b)(1).
8. The School failed to implement its management plan on or before July 9, 1989, as required by 40 C.F.R. § 763.93(c).

9. The School failed to maintain and update its management plan including surveillance, inspection, re-inspection and response actions, as required by 40 C.F.R. § 763.93(d).
10. The School failed to notify in writing, at least once each year, parent, teacher, and employee organizations of the availability of management plans, as required by 40 C.F.R. § 763.93(g)(4).
11. The management plan failed to contain a statement signed by the designated person that the School responsibilities have and will be met, as required by 40 C.F.R. § 763.93(i).
12. The School failed to follow all record-keeping requirements, as required by 40 C.F.R. § 763.94.

DES believes that these deficiencies can be resolved by the School taking the following action:

13. The School shall perform required activities in accordance with AHERA, as stipulated in 40 C.F.R. Section 763.84(a).
14. The School shall inform short-term workers regarding the presence and location of ACBM, as required by 40 C.F.R. § 763.84(d).
15. The School shall have a "designated person", as required by 40 C.F.R. § 763.84(g)(1). The designated person shall receive adequate training to perform duties under AHERA, as stipulated in 40 C.F.R. Section 763.84(g)(2).
16. The School shall conduct a re-inspection every 3 years after a management plan was implemented, as stipulated in 40 C.F.R. Section 763.85(b)(1).
17. The School shall conduct response actions to protect human health and the environment, as stipulated in 40 C.F.R. Sections 763.90 & 763.91.
18. The School shall implement an Operations, Maintenance and Repair program, as stipulated in 40 C.F.R. Section 763.91(a).
19. The maintenance and custodial staff of the School shall receive at least 2 hours awareness training and an additional 14 hours removal training, as stipulated in 40 C.F.R. Section 763.92(a).
20. The School shall conduct periodic surveillance in each building that it leases or owns that contains ACBM (or assumed) every 6 months, as stipulated in 40 C.F.R. Section 763.92(b)(1).
21. The School shall maintain and update its management plan including surveillance, inspection, re-inspection and response actions, as stipulated in 40 C.F.R. Section 763.93(d).
22. The School shall at least once each year notify in writing parent, teacher, and employee organizations of the availability of management plans, as stipulated in 40 C.F.R. Section 763.93(g)(4).
23. The management plan shall contain a statement signed by the designated person that School responsibilities have and will be met, as stipulated in 40 C.F.R. Section 763.94(i).

24. The School shall follow all record-keeping requirements, as stipulated in 40 C.F.R. Section 763.94.

In addition to the above, within thirty (30) days of issuance of this LOD, the School must submit a written, certified statement specifically describing the actions the School has taken to address the findings cited above, and to preclude further violations of the AHERA regulations.

Please address all information to Marjorie Yin, at the following address:

NHDES Air Resources Division  
Compliance Bureau  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the School's compliance status and that this letter does not provide relief against any other existing or future deficiencies. A copy of this LOD and any documentation of the corrective action received from the School will be provided to the EPA. Compliance with this LOD does not preclude the EPA from pursuing any other remedies or sanctions authorized by law. Such sanctions may include administrative, civil, and/or criminal action, which may be available by reason of the failure of the School, its officers, employees, or agents to comply with AHERA or the regulations promulgated under AHERA.

If you believe that DES has cited these deficiencies in error or if you have any questions or require additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Marjorie Yin, Compliance Bureau, Air Resources Division, at (603) 271-4555.

Sincerely,

**COPY** 

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

cc: W. Toland, EPA Region I  
G. Hamel, Legal Unit Administrator  
AFS # 3300085555